

## **REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, FEBRUARY 20, 2007 AT 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 20<sup>th</sup> day of February 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

### **Call to order and Pledge of Allegiance.**

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Dean and Rangel.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, City Engineer Wright, Economic Development Director Caldera, and HR Officer/Assistant City Secretary Schendel were also present.

Mayor Riley led the Pledge of Allegiance.

### **Consider approval of minutes of the City Council Meeting of February 6, 2007.**

A motion was made by Councilman Reyna, seconded by Councilmember Maloy, to approve the minutes from the City Council Meeting of February 6, 2007. Upon a unanimous vote, the motion carried.

### **Proclamation declaring the week of February 26 - March 4, 2007 as "Clean-Up, Fix-Up, and Paint-Up Week. Items for disposal must be curbside by 7:00 a.m., Monday, March 5, 2007 (Stolz).**

Mayor Riley proclaimed the week of February 26, 2007 - March 4, 2006 as "Clean-Up, Fix-Up, and Paint-Up Week" and reminded everyone to place items at their curbside by 7:00 a.m. on March 5, 2007 for Waste Management, Inc. to pick up the items. She presented the proclamation to City Engineer Patrick Wright.

### **Proclamation declaring the week of March 4 - 10, 2007 as "Severe Weather Awareness Week" in Leon Valley (Irwin).**

Mayor Riley proclaimed the week of March 4 - 10, 2007 as "Severe Weather Awareness Week" and presented a copy of the proclamation to Fire Chief Stan Irwin. Chief Irwin encourage everyone to get a weather alert radio so that they remain informed of weather alerts throughout the day and night.

### **Citizens to be heard and time for objections to the Consent Agenda.**

Mayor Riley asked Council if they wished for any Consent Agenda item to be removed for further discussion. Hearing no requests, Mayor Riley asked if anyone in the audience wished to address the Council. Seeing no one, Mayor Riley asked for a motion on the Consent Agenda items.

### **Consent Agenda**

**Consider M&C # 02-07-07 with attached ordinance - Administrative changes to Building Code ordinances to correct wording from "supplements" to "appendices" as per the International Building Codes.**

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**Consider M&C # 02-08-07 - Authorize the City Manager to Enter into Contract with the Bexar County Elections Administrator for Election Services for the May 12, 2007 General Election. These services will include procurement and distribution of election equipment for both Early Voting and Election Day to meet legal requirements of the Help America Vote Act (Feutz).**

A motion was made by Councilmember Dean, seconded by Councilmember Rangel, to approve the Consent Agenda. Upon unanimous vote, the motion carried.

**Consider resignation of City Councilmember Place No. 3.**

Mayor Riley read the letter received from Councilmember Semmelmann on February 7, 2007 which notified the Mayor and Council of his resignation from office as Council Place No. 3 immediately.

A motion was made by Councilmember Maloy, seconded by Councilman Reyna, to accept the resignation with reluctance from his position as Council Place No. 3. Upon vote, the motion carried.

**Presentation to Marcus Semmelmann in appreciation of his over 17 years of service as a member of City Council.**

Mayor Riley presented Mr. Semmelmann with a plaque in appreciation for his years of service as Councilmember from 1973 - 1974, 1988 - 1992, and from 2003 - 2007 and for his service as Mayor from 1974-1978 and from 1994 - 1998. Mr. Semmelmann addressed Council and the audience reminiscing about accomplishments in the City of Leon Valley during the years he served on Council. Mayor Riley thanked Mr. Semmelmann for his contributions and his mentorship.

**Discussion of options available to fill the vacancy for City Council Place No. 3.**

City Manager Lambert summarized the options for the City Council in filling the vacancy for City Council Place No. 3: leave the position open until after the next General Election already ordered by the Council for May 12, 2007, a special election could be ordered to elect a person to fill the vacancy, Council could vote appointment of an individual to fill the vacancy until the May 12, 2007 General Election. Mayor Riley asked for the Council's opinion and then if action is needed it would be placed on the agenda for the next meeting.

After discussion, Councilmembers indicated that they felt the position could remain open for the few meetings left until after the May 12, 2007 General Election.

**Consider M&C # 02-09-07 - Consider a request for a variance to City Code Chapter 5, "Signs", Section 5.22, "Off-premise Signs" a., to allow the Trade and Market Days Committee to place off-premise signs with poles at three street intersections: East Wurzbach at Bandera Road, Evers at Seneca Roads, and West Huebner at Bandera Road (Caldera).**

Mayor Riley reminded the audience and the Council that on February 6, 2007, Council had tabled consideration of this variance request to this meeting.

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Economic Development Director Caldera presented the request for a variance to Chapter 5, "Signs, Section 5.22, "Off-Premise Signs" to allow three off-premise permanent signs, advertising Trade and Market Days. Ms. Caldera stated that the proposed signs would be placed: one on East Wurzbach at Bandera Road, one sign at the Evers and Seneca intersection, and one sign on West Huebner at Bandera Road. She stated that the proposed signs would not replace the use of bandit signs, but would enhance advertising of the events all year. Ms. Caldera stated that the Trade and Market Days Committee recommended the variance be approved by Council.

Councilmembers discussed concerns of off-premise signs causing clutter at the City entrances, being fair to all who request off-premise signs to advertise their businesses or other nonprofit groups, locations chosen for the signs, and consider revisions to the City's Sign Code that would allow for advertising without a variance, using marquees to advertise, and other sign design options.

Following discussion, a motion was made by Councilmember Rangel, seconded by Councilman Reyna, to table a decision on the variance request to allow for the City to reexamine the Sign Code's off-premise signs. Upon vote, the motion carried unanimously.

### **Consider M&C # 02-10-07 - Consider contract amendment to install sidewalk anchors for Bandera Road sidewalk project, a CDBG-funded project (Rangel).**

City Engineer Wright addressed Council explaining a member of Council had advised staff that sidewalks in a flood plain were required to have anchors. He stated that, to prevent a delay in the work on the CDBG-funded sidewalk along Bandera Road, a decision was needed to determine if floatation anchors were needed along the six-foot wide sidewalk which was already under construction. Mr. Wright explained that the six-foot wide sidewalk was constructed on compacted, flexible base material eight feet wide with 6:1 side slopes and six-inch concrete skirts on either side. He explained that the proposed anchors would cost \$6,187.50 and that money was not included in the current budget. He also reported that the engineers were concerned that expansion/contraction of the sidewalk would result in cracking around the anchors and the anchoring would not be effective in resisting floatation of the sidewalk. Mr. Wright reported that FEMA had advised that the anchors were not a requirement for sidewalks in the flood plain and that the Design Engineer and he saw no need for additional anchors.

Councilmember Rangel presented information on the proposed anchors and disagreed with the Engineers that the anchors were not needed. He stated that he felt that the flow of water would lift the sidewalk without the proposed additional anchors and that the sidewalk would have to be replaced being funded by the taxpayers. Councilmember Rangel also requested that street lights be provided to light the sidewalk for pedestrian safety.

The City Manager discussed the liability of the Engineer if the sidewalk failed without the proposed anchors, and Mr. Wright stated that general liability is generally carried by Engineers but that the coverage would pay for such things as negligence or if the engineer operated outside of the scope of his duties. The City Engineer expressed his opinion that the extreme weight of the sidewalk, the sloping, and the concrete skirts would hold the sidewalk, except in extreme circumstances when even the proposed anchors would not hold the sidewalk.

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Mayor Riley asked for confirmation from the City Engineer that the project will need \$10,000 more which will have to come from City funds and that all the grant money has been used. Mr. Wright agreed.

Discussion continued about the width of sidewalks, the advantages of the Huebner Creek improvements which should help reduce flooding, the possibility of the sidewalk being washed away with extreme velocity water, the cost for replacement of the sidewalk, comparisons of the sidewalk construction with Poss Road sidewalk construction, use of rebar in the sidewalk construction, and what other measures could be taken to prevent the sidewalk from being washed away with creek flooding.

The City Manager asked if the minutes should reflect that the City will hold the project engineers responsible for failure of the sidewalk in the future because the additional proposed footings were not added to the project.

A motion was made by Councilmember Rangel, to put the proposed 9" X 9" footings, three feet deep added to the sidewalk project at the cost of \$6,187.50. Mayor Riley asked if there was a second for the motion; hearing none, she announced that the motion died for lack of a second to the motion.

### **Discussion of Request for Proposals (RFP) for professional services - City Attorney - in preparation for FY 2008 Budget process (Lambert).**

City Manager Lambert asked permission from the Council to solicit proposals for City Attorney professional services in preparation for FY 2008 budget. Mr. Lambert asked that a Request for Proposal (RFP) for City Attorney professional services to include general representation, special projects, and litigation. Mr. Lambert explained that general representation would be covered under a monthly retainer and would include such things such as attending City Council meetings twice monthly, preparing and reviewing ordinances and resolutions, and preparing and reviewing all contracts and other documents prior City Council action. He suggested that special projects would be projects requiring more than twenty hours of service and litigation services on an hourly basis. Mr. Lambert recommended that the City proceed with advertising for requests for proposals and that interviews of top candidates be conducted by the Council.

Council discussed differing opinions on having the City Attorney attend one, both or all monthly Council meetings and other options to be considered when selecting a City Attorney. The City Manager stated that he would proceed to request proposals for City Attorney services.

### **Consider ordinance - Appointment of a member to the Leon Valley Stormwater Committee.**

Mayor Riley asked that Council consider the appointment of Marcus Semmelmann to the Leon Valley Stormwater Committee, as Mr. Semmelmann has served as the Council liaison to the Committee before his resignation and he had expressed a desire to continue working with this committee.

A motion was made by Councilmember Maloy, seconded by Councilmember Dean, to approve the appointment of Marcus Semmelmann to the Leon Valley Stormwater Management Committee. Upon unanimous vote, the motion carried.

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## **City Manager's Report (Lambert)**

### **Presentation on January 2007 Financial Reports.**

City Manager Lambert presented an overview of the revenues and expenses for the month of January 2007 to Council. Mr. Lambert announced that sales tax revenue is increasing.

City Manager Lambert reported that he and Mayor Riley attended the Texas Municipal League's Legislative Update in Austin on February 12, 2007. He stated that the major concern for cities was the proposed cap on ad valorem taxes proposed by the Governor. He also reported that they lobbied with Senator Wentworth, Representatives Castro, Leibowitz, and Lucio, and with representatives from Senator Uresti and Senator Van De Putte's offices about the City's opposition to the toll road in Leon Valley.

The City Manager also reported that he and Mayor Riley had met with San Antonio City Councilwoman Guajardo about a secondary emergency water supply, the Huebner Creek cleanup to prevent the Creek from backing up into Leon Valley; and a joint park venture.

### **Citizens to be heard.**

None.

### **Announcements by Councilmembers and Mayor.**

Councilmember Maloy thanked Mr. Semmelmann for his service to the City and reminded everyone about the Earthwise Living Day on Saturday, January 24, 2007.

Councilman Reyna wished Mr. Semmelmann good luck and he reported on the first two-hour workshop meeting on economic development issues during which the City received 60-70 options or suggestions from about 50 individuals in attendance on how to make the City a better place. He announced that a second session would be held at the Conference Center on Thursday, February 22, 2007. He thanked the Chamber of Commerce for providing the refreshments for the meetings.

Councilmember Dean thanked Mr. Semmelmann for his service to the City and his mentorship. He informed the audience to report unsatisfactory work by contractors who are working in the City on utilities. He also asked about any weight restrictions on large semi-trucks from traveling on residential streets.

Councilmember Rangel also thanked Mr. Semmelmann for his service to the City. He reminded everyone about the Spring Cleanup with brush to be at the curb on Monday, March 5<sup>th</sup> by 7:00 a.m.

Mayor Riley congratulated resident Cathy Nelson who was the Leon Valley winner of the 2007 Hometown Hero Award. Mayor Riley also announced the Historical Society annual cleanup of the natural area will take place on Saturday, March 3<sup>rd</sup> beginning at 8:00 a.m. She thanked Councilman Reyna, Councilmember Dean, City Manager Lambert and Economic Development Director Caldera for their attendance at the public hearing the previous Saturday.

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Mayor Riley recognized Boy Scout Elijah Rangel in the audience. Scout Rangel told Council that he was from Troop 117 and was working on his Citizenship in the Community Badge.

**Adjourn.**

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn. Mayor Riley announced the meeting adjourned at 9:03 p.m.

Chris Riley

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Mayor

ATTEST:

Marie Feutz

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City Secretary

*Approved by majority vote of City Council at the Regular City Council Meeting of March 6, 2007.*